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BY ECF

April 1, 2019

Hon. Edgardo Ramos
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Fractus, S.A. v. AT&T Mobility LLC, Misc. Action No. 1:19-00130*

Dear Judge Ramos:

We represent Fractus, S.A. (“Fractus”) in the above captioned matter and write to request that this Court (1) permanently seal Exhibit 5 to the Declaration of Hugh Chan, dated March 25, 2019 (ECF No. 10-5) (the “Withdrawal Agreement”) and (2) enter an order granting Fractus leave to re-file the aforementioned document under seal.

Non-Party SBA Communications Corporation (“SBA”) appears to object to the inclusion of an unsealed copy of the Withdrawal Agreement in this case,¹ and so Fractus, in good faith, on April 1, 2019, contacted this Court’s ECF Help Desk to request that the filed document be temporarily sealed. Now Fractus requests that the Court grant it leave to re-file the document under this Court’s sealing requirements. Should the Court grant this request, Fractus will file a copy of the document with the Court pursuant to Section 6 of the Electronic Case Filing Rules & Instructions for the Southern District of New York, and the Southern District of New York’s Sealed Records Filing Instructions.

Respectfully submitted,

/s/ Kimberly Perrotta Cole
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Cc: All Counsel of Record via ECF

¹ See SBA Communications Corporation’s Reply in Support of Motion to Quash Fractus’ Subpoena and Opposition to Fractus’ Cross Motion to Compel Compliance with Rule 45 Subpoena (ECF No. 20) at 9, 21-22.